LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 23, 2004 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Annexation #04002, Change of Zone #04011, Special Permit #04009

PROPOSAL: To annex approximately 20 acres, change the zone from AG to R-3 and H-3 and obtain a special permit for 86,120 square feet in floor area for planned service commercial

LOCATION: Generally located south of Leighton Avenue and east of N. 84th Street.

WAIVER REQUEST:

Special Permit:

Front yard setback from 50'-40' for Lot 4, Block 1 Side yard setback from 50'-20' for Lots 4 and 5, Block 1 Internal side yard setback from 20' to 0' for Lots 1-4, Block 1

LAND AREA: Annexation 20 acres, more or less.

Change of Zone from AG to H-4: 11 acres, more or less. Change of Zone from AG to R-3: 9 acres, more or less. Special Permit: 11 acres, more or less.

CONCLUSION: This request is in conformance with the Comprehensive Plan.

RECOMMENDATION:

Annexation:
Change of Zone from AG to R-3 and H-4:
Special Permit:
Front yard setback from 50'-40' for Lot 4, Block 1
Side yard setback from 50'-20' for Lots 4 and 5, Block 1
Internal side yard setback from 20' to 0' for Lots 1-4, Block 1
Approval
Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: AG, Agriculture.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North: Undeveloped, residential R-3 Residential

South: Residential, church, undeveloped B-2 Planned Neighborhood business, O-3

Office Park, R-4

East: Acreage, farm AG, Agricultural

West: LES substation, undeveloped P Public, H-4 Commercial

COMPREHENSIVE PLAN SPECIFICATIONS: This area is indicated as commercial and urban residential in the Comprehensive Plan (F-25).

This area is shown within the Tier 1 - Priority A growth boundary. (F 27, F 31)

Guiding Principles for the Urban Environment include maximizing "present infrastructure investment by planning for residential and commercial development in areas with available capacity." And by "encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods." (F-17)

"Transition of uses; less intense office uses near residential areas" (F 42)

"Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population" (F-18).

"Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood" (F 18).

"Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area; Similar housing types face each other: single family faces single family, change to different use at rear of lot; Parks and open space within walking distance of all residences; Multi-family and elderly housing nearest to commercial area; Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads; Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites)". (F-67)

"Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas" (F 69).

"Require new development to be compatible with character of neighborhood and adjacent uses" (F 69).

HISTORY:

Date when preliminary plat was submitted: February 17, 2004
Date when Planning Director's letter was sent: March 15, 2004
Date when revised preliminary plat was submitted: May 24, 2004

This area was zoned AG, Agricultural during the **1979** zoning update from A-A, Rural and Public Use district.

UTILITIES: Utilities will be extended by the developer. This development is required to pay a sewer connection fee for connection as required by the Regent Heights Sewer agreement.

A water connection fee is required to connect to the existing 16" water main in Leighton Avenue. The amount of the fee is based on one half the cost of an 8" water main for the portion of the main that abuts commercial uses and one half the cost of a 6" water main for the portion of the main that abuts residential uses.

TRAFFIC ANALYSIS: N. 84th Street is classified as an arterial and Leighton Avenue is a collector street. Leighton Avenue is an existing two lane gravel road. The Subdivision Ordinance requires all roads abutting a subdivision to be paved.

Garland and Colby Streets must be extended to the east when the east property develops and temporary barricades shall be placed until such time as the streets are extended.

A trail is indicated along N. 84th Street and a trail easement was shown to be constructed in the future through the Prairie Village Community Unit Plan north of this area.

PUBLIC SERVICE: Fire service will be provided by the Fire Station #5 located at 3640 Touzalin Avenue, approximately 3 miles from this site. The Fire Department indicated their concern regarding limited resources and fire stations in the area and their limited ability to provide timely fire and rescue service.

AESTHETIC CONSIDERATIONS: The grade of the area shown for storage units is lower than the right of way for N. 84th Street. Planning staff believes an added evergreen screen will enhance the appearance of the storage units, since they are proposed to be closer to the street than typically allowed. Planning staff does not object to the front yard setback waiver as long as additional screening is provided along the west property line

ANALYSIS:

- 1. This is a request to annex 20 acres, change the zone from AG, Agriculture to R-3, Residential and H-4, Commercial and obtain a special permit for Planned Service Commercial for 86,120 square feet of floor area.
- This lot is contiguous to the existing city limits and within the future service area and may be annexed. An annexation agreement must be signed prior to scheduling this item on the City Council agenda.
- 3. This area is shown as urban residential and commercial in the Comprehensive Plan. The zoning request is consistent with the Comprehensive Plan.

- 4. The commercial floor area ratio is approximately 0.20. The Comprehensive Plan assumes a 0.25 floor area ratio, therefor this request is within an acceptable range and could be increased to increase the use of existing infrastructure.
- 5. The applicant requests to waive the front yard setback in the special permit along N. 84th Street. Due to the existing overhead power line and 80' easement, planning staff believes this is reasonable provided the applicant provides additional evergreen screening. Additionally, the applicant requests to waive internal setbacks and the setback abutting the commercial district to the south. Both of these requests are acceptable.
- 6. The Lincoln Lancaster County Health Department indicated several comments related to noise pollution which are indicated in their attached comments.

ANNEXATION CONDITION:

1. An annexation must be signed prior to scheduling to the City Council.

SPECIAL PERMIT CONDITIONS:

Site Specific:

- 1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 Show an additional 60% evergreen screen from the ground elevation to 10' height along the west side of Lot 4.
 - 1.1.2 Provide a note indicating that loading docks and trash compactors shall not be located adjacent to the residential district. (Per Lincoln Lancaster County Health Department)
- 2. This approval permits 86,120 square feet of floor area and reduction of the front yard setback along N. 84th Street to 40', elimination of internal setbacks to 0', and reduction of the side yard setback to 20' as shown on the site plan.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised final plan including 7 copies and the plans are acceptable.
- 3.2 The construction plans shall comply with the approved plans.
- 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner, 441-6373, rhorner@ci.lincoln.ne.us
Planner

DATE: June 8, 2004

APPLICANT: Brian D. Carstens and Associates

601 Old Cheney Road, Suite C

Lincoln, NE 68512 (402)434-2424

OWNER: Scott Anderson

PO Box 30842 Lincoln, NE 68503

CONTACT: Brian D. Carstens and Associates

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2002 aerial

Annexation #04002 N. 84th & Leighton

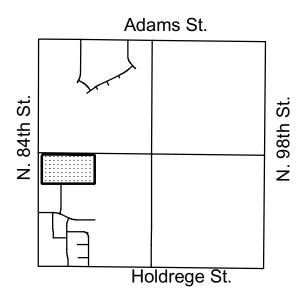
Zoning:

R-1 to R-8Residential District Agricultural District
Agricultural Residential District AG AGR R-C Residential Convervation District 0-1 Office District 0-2 Suburban Office District O-3 Office Park District R-T Residential Transition District B-1 Local Business District Planned Neighborhood Business District B-2 Commercial District B-3 Lincoln Center Business District **B-4** B-5 Planned Regional Business District H-1 Interstate Commercial District H-2 **Highway Business District** H-3 Highway Commercial District General Commercial District H-4 Industrial District I-1 **I-2** Industrial Park District

Employment Center District Public Use District

One Square Mile Sec. 14 T10N R7E





I-3



2002 aerial

Change of Zone #04011 N. 84th & Leighton

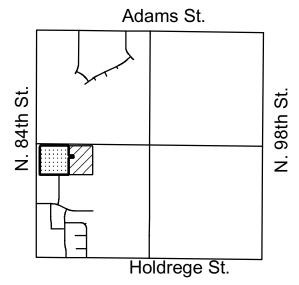
Zoning:

R-1 to R-8Residential District Agricultural District AG Agricultural Residential District AGR R-C Residential Convervation District 0-1 Office District 0-2 Suburban Office District 0-3 Office Park District R-T Residential Transition District B-1 Local Business District Planned Neighborhood Business District B-2 Commercial District B-3 Lincoln Center Business District B-4 B-5 Planned Regional Business District H-1 Interstate Commercial District H-2 **Highway Business District** H-3 Highway Commercial District General Commercial District H-4 Industrial District I-1 **I-2** Industrial Park District

Employment Center District

One Square Mile Sec. 14 T10N R7E





Lincoln City - Lancaster County Planning Dept.

Public Use District

I-3



2002 aerial

Special Permit #04009 N. 84th & Leighton

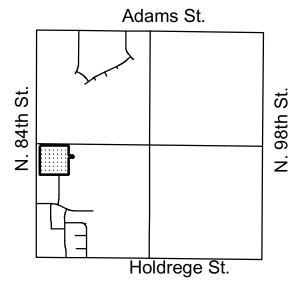
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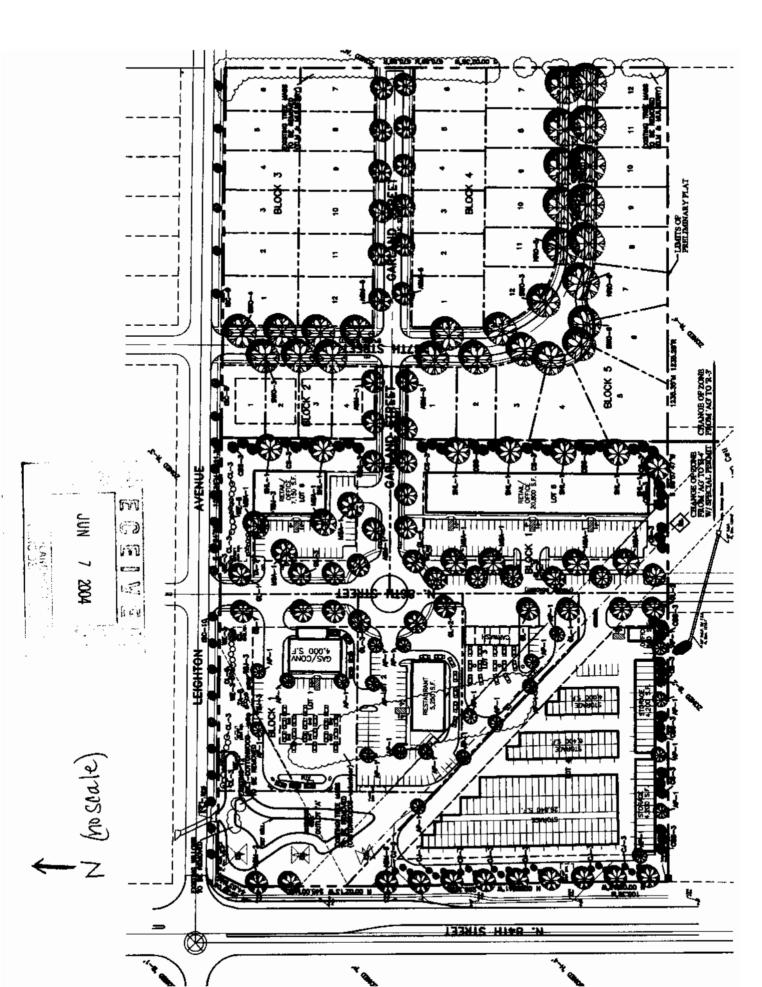
Employment Center District Public Use District

One Square Mile Sec. 14 T10N R7E





I-3



ANDERSON'S PLACE

ANNEXATION/

PRELIMINARY PLAT LEGAL DESCRIPTION:

A survey of Lot 100 Irregular Tracts, located in the Southwest Quarter of Section 14 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More partucularly described by metes and bounds as follows:

Commencing at the West 1/4 Corner of Section 14 Township 10 North Range 7 East of the Sixth P.M.; Thence South 89°24′54″ East, (an assumed bearing) on the North line of the Southwest Quarter, a distance of 1326.42 feet to a found 5/8″ Rebar for the North 1/16 Corner of the Southwest Quarter; Thence South 00°02′38″ west, on the West line of Lot 10 I.T. extended, a distance of 33.00 feet, to the Northwest corner of Lot 10 I.T. and the POINT OF BEGINNING; Thence continuing on the Previous bearing of South 00°02′38″ West, on the East line of Said Lot 100 I.T., a distance of 675.99 Feet, to the Northeast Corner of Morning Glory Estates Addition; Thence South 89°57′47″ West, on the North line of said addition, a distance of 1235.35 feet, to the Northwest Corner of Morning Glory Estates Addition, said point being on the East Right of Way of North 84th Street; Thence North 00°02′13″ West on the East Right of Way of North 84th Street, a distance of 105.38 feet; Thence North 00°59′41″ West, on said right of Way, a distance of 299.12 feet; Thence North 00°02′13″ West, on the East Right of Way of North 84th Street, a distance of 44.53 feet, to a point on the South right of way of Leighton Avenue; Thence South 89°24′55″ East, on said South right of way, a distance of 1221.36 feet to the POINT OF BEGINNING, and containing a calculated area of 845,456.48 square feet or 19.409 acres more or less.

FEB 17 2004

ANDERSON'S PLACE

CHANGE OF ZONE FROM 'AG' TO 'H-4' & SPECIAL PERMIT

A portion of Lot 100 Irregular Tracts, located in the Southwest Quarter of Section 14 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More partucularly described by metes and bounds as follows:

Commencing at the West 1/4 Corner of Section 14 Township 10 North Range 7 East of the Sixth P.M.; Thence South 89°24'54" East, (an assumed bearing) on the North line of the Southwest Quarter, a distance of 1326.42 feet to a found 5/8" Rebar for the North 1/16 Corner of the Southwest Quarter: Thence South 00°02'38" west, on the West line of Lot 10 I.T. extended, a distance of 33.00 feet, to the Northwest corner of Lot 10 I.T.: Thence along the north line of said Lot 10 I.T. North 89°24'55" West, for a distance of 560.58 feet and the POINT OF BEGINNING; Thence South 00°35'05" West, a distance of 234.50 feet; Thence South 89°24'55" East, a distance of 110.00 feet: Thence South 00°35'05" West, a distance of 49.00 feet; Thence North 89°24'55" West, a distance of 110.00 feet; Thence South 00°35'05" West. a distance of 398.61 feet; Thence South 89°57'47" West, on the North line of said addition, a distance of 668.35 feet, to the Northwest Corner of Morning Glory Estates Addition, said point being on the East Right of Way of North 84th Street; Thence North 00°02'13" West on the East Right of Way of North 84th Street, a distance of 105.38 feet; Thence North 00°59'41" West, on said right of Way, a distance of 299.12 feet; Thence North 00°02'13" West, on the East Right of Way of North 84th Street, a distance of 245.00 feet; Thence North 26"39'06" East, on the Southeasterly right of way of North 84th Street, a distance of 44.53 feet, to a point on the South right of way of Leighton Avenue; Thence South 89°24'55" East, on said South right of way, a distance of 660.79 feet to the POINT OF BEGINNING, and containing a calculated area of 468,020.91 square feet or 10.74 acres more or less.

FFR 17 2004

ANDERSON'S PLACE

CHANGE OF ZONE FROM 'AG' TO 'R-3'

A portion of Lot 100 Irregular Tracts, located in the Southwest Quarter of Section 14 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More partucularly described by metes and bounds as follows:

Commencing at the West 1/4 Corner of Section 14 Township 10 North Range 7 East of the Sixth P.M.; Thence South 89°24′54″ East, (an assumed bearing) on the North line of the Southwest Quarter, a distance of 1326.42 feet to a found 5/8″ Rebar for the North 1/16 Corner of the Southwest Quarter; Thence South 00°02′38″ west, on the West line of Lot 10 1.T. extended, a distance of 33.00 feet, to the Northwest corner of Lot 10 1.T. and the POINT OF BEGINNING; Thence continuing on the Previous bearing of South 00°02′38″ West, on the East line of Said Lot 100 1.T., a distance of 675.99 Feet, to the Northeast Corner of Morning Glory Estates Addition; Thence South 89°57′47″ West, on the North line of said addition, a distance of 566.99 feet; Thence North 00°35′05″ East, a distance of 398.61 feet; Thence South 89°24′55″ East, a distance of 110.00 feet; Thence North 00°35′05″ East, a distance of 49.00 feet; Thence North 89°24′55″ West, a distance of 110.00 feet; Thence North 00°35′05″ East, a distance of 234.50 feet, to a point on the South right of way of Leighton Avenue; Thence South 89°24′55″ East, on said South right of way, a distance of 560.58 feet to the POINT OF BEGINNING, and containing a calculated area of 377,435.58 square feet or 8.66 acres more or less.

FEB 17 2004

Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Anderson Place Preliminary Plat #04007 and Special Permit #04009
Date:	6/08/04
cc:	Randy Hoskins

Engineering Services has reviewed the submitted plans for the Anderson's Place Preliminary Plat and Special Permit, located on the southeast corner of Leighton Avenue and North 84th Street, and has the following comments:

Sanitary Sewer - The sanitary sewer system is satisfactory.

- (1.1) As part of the annexation, this developer must agree to pay a sewer connection fee as stated in the Regent Heights Sewer agreement.
- (1.2) The requested waiver of design standards for running sanitary sewer opposite street grade is acceptable to Public Works provided that the sewer does not exceed minimum or maximum depth.

Water Main - The water system is satisfactory.

(2.1) As part of the annexation, this developer must agree to pay a water connection fee for connecting to the existing 16" water main in Leighton Avenue. The amount of the fee should be based on one half the cost of an 8" water main for the portion of the main that abuts commercial uses and one half the cost of a 6" water main for the portion of the main that abuts residential uses.

Grading/Drainage - The Grading/Drainage is unsatisfactory.

- (3.1) A written form of approval from the property owner to the south to construct the proposed storm sewer outside of this plat will need to be provided to Public Works prior to the approval of this plat.
- (3.2) The proposed detention cell is shown to be a permanent pond and will need to be designed to minimize mosquito harborage and breeding. A plan that addresses mosquito surveillance and control measures needs to be submitted to and approved by the Lincoln-Lancaster County Health Department.
- (3.3) As stated later in this memo, no final plat for this plat will be approved prior to paving mprovements in Leighton Avenue. In conjunction with those paving improvements the box culvert will be required to be extended to the north and the south. The outlet structure design for

Becky Horner, Planning Department Page 1 June 8, 2004

the proposed detention pond should be incorporated into that design.

Streets/Paving - The following comments need to be addressed.

- (4.1) The Prairie Village annexation agreement calls out 40' of ROW dedication on the north side of Leighton. This plat will also need to show the 40' ROW dedication for its frontage to Leighton.
- (4.2) The proposed roundabout at the intersection of North 86th and Garland Street needs to show that the proposed geometrics can accommodate a WB-50 design vehicle for all pertinent movements.
- (4.3) The amexation agreement for Prairie Village north of Leighton states that no final plats will be approved prior to a district being ordered constructed for paving in Leighton. Or Leighton may not be constructed prior to final plat approval provided that no access be taken off of Leighton and no buildable lots will be created abutting Leighton. Since the 87th and 86th connections to Leighton are the only satisfactory access points for this plat, Leighton must be improved to urban standards prior to the approval of any final plat for this development. This may be accomplished through the creation and adoption of a district, as stated in the Prairie Village agreement, or through the Executive order process.
- (4.4) The design of Leighton east of 84th will be a 33' wide collector cross-section except at the approach to 84th where a 250' left turn lane is required as per the traffic study prepared by the Schemmer Associates. Also, the east and west bound through lanes across 84th will need to be properly aligned with the geometrics on the west side of 84th.
- (4.5) The traffic signal and north to east bound right turn lane at 84th and Leighton are impact fee facilities and will not be the responsibility of this developer. However, as per the traffic study, the south to east bound left turn lane needs to be lengthened to 250' of storage at the developers expense.
- (4.6) Public Works will reserve the right to renegotiate required offsite improvements should any proposed land use shown on this plat change after approval of this plat.
- (4.7) The north to west bound left turn movement from 86th Street to Leighton Avenue does not appear to attain the required safe sight distance. The required decision site distance for a design speed of 30 mph is 490'. As shown there is 440' provided by the proposed profile for Leighton. Revisions to the grading plan and street profiles need to be made accordingly.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of

Becky Horner, Planning Department Page 2 June 8, 2004

connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

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LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT INTER-OFFICE COMMUNICATION

TO: Becky Horner DATE: June 8, 2004

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Anderson's Place

EH Administration PP #04007 CZ #04011

SP #04009

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

- The LLCHD has concerns regarding the proposed zoning change with the R-3 zoning district adjacent to H-4 zoning district relative to noise pollution and permitted uses within the H-4 zoning district.
- Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have significant case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. While the proposed uses, retail/office, in the H-4 zoning district adjacent to the residential zoning should be a compatible land-use, future uses in the H-4 zoning district could create an incompatible land-use relative to noise pollution. The LLCHD strongly advices the applicant to become with familiar with LMC 8.24. Furthermore, the LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter. This is addressed in the site plan's general notes.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary. This is addressed in the site plan's general notes.

Richard J Furasek

To: Rebecca D Homer/Notes@Notes

06/04/2004 03:09 PM c...

Subject: Anderson Place resubmitted

Upon review of the Anderson Place resubmitted, we find it acceptable from the perspective of our department. The only concern is our limited resources and fire stations in this area that does not allow us to provide the timely fire and rescue service that the people of the city have grown to expect.

Richard J. Furasek Assistant Chief Operations Lincoln Fire & Rescue 1801 Q Street Lincoln Ne. 68508 Office 402-441-8354 Fax 402-441-8292